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July 21, 2021

VIA ECF
The Honorable John G. Koeltl
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Any dates are vacated, except the plaintiffs should file an Order to Show Cause for a default judgment against defendant McEvilley by August 6, 2021.

So ordered.
JGKoeltl
7/21/21   U.S.D.J.

Re: *Cengage Learning, Inc. et al. v. Trung Kien Nguyen et al.,*
     S.D.N.Y. Case No. 20-cv-769-JGK

Dear Judge Koeltl:

We represent Plaintiffs Cengage Learning, Inc., Bedford, Freeman & Worth Publishing Group, LLC d/b/a Macmillan Learning, Elsevier Inc., McGraw Hill LLC, and Pearson Education, Inc. (collectively, "Plaintiffs") in the above-referenced action. On October 20, 2020, the Court entered a Case Management Plan and Scheduling Order (ECF No. 65), which includes a deadline for the filing of dispositive motions and a joint pretrial order by July 22, 2021. On November 17, 2020, Plaintiffs moved for a default judgment and permanent injunction against all Defendants except Michael McEvilley, which the Court granted on March 16, 2021 (ECF No. 107).

At this time, Defendant McEvilley is also in default, not having answered or otherwise responded to the Amended Complaint. Indeed, on January 21, 2021, the Clerk of Court entered default against Defendant McEvilley (ECF No. 104) upon Plaintiffs' request. Accordingly, Plaintiffs respectfully submit that the dates included in the Case Management Plan and Scheduling Order are moot and request that they be removed from the calendar. Instead, Plaintiffs will file Order to Show Cause papers seeking a default judgment and permanent against Defendant McEvilley and propose to do so on or before August 20, 2021.

Plaintiffs reached out to Defendant McEvilley's counsel (who has never entered an appearance in this case) to ascertain his position on this matter but did not receive a response.

Thank you for the Court's consideration of this matter.

Respectfully,

/s/ Matthew I. Fleischman